IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 60 of 2005

Between:

P. Ravinder S/o Somappa
Textiles, R/o 7-80, Dattatreya Colony,

Isnapur X Roads, Muthangi, Patancheru Mandal,
Medak District

..... PETITIONER

AND

1 The Assistant Commissioner of Labour,

Patancheru, Medak District
2 The Managing Director GTN Textiles Limited.,

Medak Unit at Chitkul (V),

Patancheru Mandal, Medak District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or writ specially Writ of Mandamus directing the Respondents not to effect the transfer order issued to petitioner pending the conciliation proceedings before the respondent No.1 U/s. 33 of ID Act and consequently declare the action of the respondents in adjourning the conciliation without settlement of issue from time to time is contrary to the Industrial Disputes Act and also violative of Art. 14 and 21 of the Constitution of India.

Counsel for the Petitioner: Mr. RAJ KUMAR RUDRA

Counsel for the Respondents: GP FOR LABOUR

The Court, at the stage of admission, made the following :

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ORDER:

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The petitioner is working as a Q.A.Assistant in the 2nd respondent Organization. A dispute under Section 33 of the Industrial Disputes Act, 1947, (for brevity, "the Act") is said to be pending. While so, on 10-12-2004, the 2nd respondent passed an office order, which reads as follows:

> "In view of the job rotation and enrichment taking into consideration the Man power Reorientation in the various units of GTN groups it is decided to transfer your services for better utilization to are of our Units located at GTN Nagpur.
>
> You are however, assured continuity to your service, protection of your emoluments, without adversely effecting your service conditions. You are required to report at our Unit at the above address in Nagpur before 11th January, 2005".

2. The apprehension of the petitioner is that if his transfer is effected during the pendency of the conciliation proceedings before the 1st respondent, under Section 33 of the Act, he is likely to suffer and prejudice will be caused to him. The petitioner has been transferred to one of the Units of the Organization of the 2nd respondent. In the transfer order, the 2nd respondent categorically mentioned that the continuity of service and protection of the emoluments of the petitioner will remain without any disturbance and his service conditions will also be protected.

3. In the light of the above circumstances, the petitioner cannot express any grievance before this Court. I do not find any ground to interfere with the impugned order dated 10-12-2004 passed by the 2nd respondent.

4. The Writ Petition is accordingly dismissed. No order as to costs.

(Dr.G.YETHIRAJULU,J)

25th April, 2005.

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To

1 The Assistant Commissioner of Labour,

Patancheru, Medak District

2 The Managing Director GTN Textiles Limited.,

Medak Unit at Chitkul (V),

Patancheru Mandal, Medak District

3 Two CCs to the GP for Labour, High Court Buildings,

Hyderabad (O.U.T.)

4 Two CD copies